

RECEIVED
CENTRAL FAX CENTER

MAY 09 2005



**PIPER RUDNICK
GRAY CARY**

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
main 202.861.3900 fax 202.223.2085
www.dlapiper.com

Facsimile

STEVEN B. KELBER
steven.kelber@dlapiper.com
direct 202.861.6675 fax 202.861.3877

May 9, 2005

To:

Phone:

Fax:

Juliet Caroline Switzer

571-272-0753

571-273-0753

Original ☐ will / ☒ will not follow.

Pages (including fax sheet): 5

Attorney/Client/Matter #: 11868-303892-3

The information contained in this facsimile message is confidential and, if addressed to our client or certain counsel, is subject to the attorney-client or work product privilege. This message is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U. S. Postal Service.

4673358.1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/865,579 | 05/29/2001 | Toshiki Taya | 9558-003-27 | 3666 |

7590 04/05/2005

Supervisor, Patent Prosecution Services
PIPER MARBURY RUDNICK & WOLFE LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036-2412

EXAMINER

SWITZER, JULIET CAROLINE

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DLA PIPER RUDNICK
GRAY CARY US LLP
APR 06 2005



UNITED STATES DEPARTMENT OF COMMERCE
 U.S. Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

| | | | |
|---------------------------------|-------------|---|---------------------|
| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

| |
|----------|
| EXAMINER |
|----------|

| | |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

0305

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Attached please find the 1449 forms associated with the IDS filed 9/3/04 and 10/3/03.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliet C Switzer whose telephone number is (571) 272-0753. The examiner can normally be reached on Monday through Wednesday, from 9:00 AM until 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached by calling (571) 272-0745.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0507.


Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Juliet C. Switzer
 Primary Examiner
 Art Unit 1634

March 31, 2005

SHEET 1 OF 1

| | | | | | | | |
|--|--|---|-----------------|----------------------------------|-----------------------|--------------------------|--|
| Form PTO 1449 (Modified) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | DOCKET NO. 9558-003-27 | | SERIAL NO. 09/865,579 | |
| LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary) | |  | | APPLICANT Toshiko TAYA et al. | | GROUP ART UNIT 1634 | |
| | | | | FILING DATE May 29, 2001 | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | TRANSLATION YES NO | | |
| AA | WO 95/13395 | 05/1995 | WIPO | YES | NO | | |
| AB | WO 99/01572 | 01/1999 | WIPO | YES | NO | | |
| AC | EP 0 639 647 | 02/1995 | EPO | YES | NO | | |
| AD | EP 1 035 214 | 09/2000 | EPO | YES | NO | | |
| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| AD | M.D. Song et al., "Evolution of an inducible penicillin-target protein in methicillin-resistant Staphylococcus aureus by gene fusion", FEBS LETTERS, NETHERLANDS, 31 August 1987, Vol. 221, No. 2, pages 167-171. | | | | | | |
| AB | Steven M. Salisbury et al., "Identification of methicillin-resistant staphylococci by multiplex polymerase chain reaction assay", AMERICAN JOURNAL OF CLINICAL PATHOLOGY, Vol. 107, No. 3, 1997, pages 368-373. | | | | | | |
| AG | Shobei Kogawa et al., "PCR detection of mecA and its regulatory genes", RINSHO BYORI, THE JAPANESE JOURNAL OF CLINICAL PATHOLOGY, November, 1993, Vol. 41, No. 11, pages 1223-1231. | | | | | | |
| AH | T. Ito et al., "Cloning and nucleotide sequence determination of the entire mec DNA of pre-methicillin-resistant Staphylococcus aureus N315", ANTIMICROBIAL AGENTS AND CHEMOTHERAPY, Vol. 43, No. 6, June, 1999, pages 1449-1458. | | | | | | |
| EXAMINER | | Not considered, <i>Unit C. Smith</i> DATE CONSIDERED <i>3/31/05</i> | | | | | |
| *EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. | | | | | | | |

All comments in of file action
mailed 11/28/03

Not considered - see FINAL

IDS 9/3/04

SHEET 1 OF 1

| | | | | | | | |
|--|----|--|----------|-----------------------------------|-----------------------|--------------------------|-------------------------------|
| Form PTO 1449 (Modified) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | DOCKET NO. 9558-003-27 | | SERIAL NO. 09/865,579 | |
| LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary) | | | | APPLICANT Toshiko TAYA, et al. | | | |
| | | | | FILING DATE May 29, 2001 | | GROUP ART UNIT 1634 | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
| OS | AA | 5,994,066 | 11/30/99 | BERGERON, et al. | 435 | 6 | |
| | AB | | | | | | |
| | AC | | | | | | |
| | AD | | | | | | |
| | AE | | | | | | |
| | AF | | | | | | |
| | AG | | | | | | |
| | AH | | | | | | |
| | AI | | | | | | |
| | AJ | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | TRANSLATION YES NO | | |
| | AK | | | | | | |
| | AL | | | | | | |
| | AM | | | | | | |
| | AN | | | | | | |
| | AO | | | | | | |
| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| | AP | | | | | | |
| | AQ | | | | | | |
| | AR | | | | | | |
| | AS | | | | | | |
| EXAMINER J. M. C. Smith | | | | DATE CONSIDERED 3/31/05 | | | |
| *EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. | | | | | | | |